

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicants: Y. Tanabe, et al.  
 Application No. 10/821,842  
 Filed: April 12, 2004  
 For: FABRICATION PROCESS OF A SEMICONDUCTOR  
 INTEGRATED CIRCUIT DEVICE  
 Examiner: Ghyka, A.  
 Group: 2812

**TERMINAL DISCLAIMER**

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

Petitioner, Hitachi, Ltd., having its place of business at 6, Kanda Surugadai 4-chome, Chiyoda-ku, Tokyo 100, Japan, represents that it is the sole owner of the entire interest of the above-identified Application No. 10/821,842, filed April 12, 2004, for FABRICATION PROCESS OF A SEMICONDUCTOR INTEGRATED CIRCUIT DEVICE, and that the Assignment of all rights in connection with the above-identified application has been recorded at Reel 009416, Frame 0947.

Petitioner hereby disclaims all that portion of the term of any patent to be issued on the above-identified application subsequent to the expiration date of the full statutory term, defined in 35 U.S.C. 154 to 156 and 173, of U.S. Patent No. 6,784,116, issued August 31, 2004, and hereby agrees that any patent issued on the above-identified application shall be enforceable only for and during such time as the said U.S. Patent No. 6,784,116 and the above-identified application are commonly owned.

Petitioner, however, does not disclaim the terminal part of any patent granted on the instant application prior to the expiration date of the full statutory term, defined in 35 U.S.C. 154 to 156 and 173, of the above-listed U.S. Patent No. 6,784,116 in

02 FC:1814

139.00 OP

03/10/2005 JADD01 00000120 10021842

the event that U.S. Patent 6,784,116 expires: for failure to pay a maintenance fee; is held unenforceable; is found invalid; is statutorily disclaimed in whole or terminally disclaimed under 35 CFR 1.321; has all claims cancelled by a reexamination certificate; is reissued; or is otherwise terminated prior to expiration of the above-referred-to full statutory term, except for the separation of legal title as stated above.

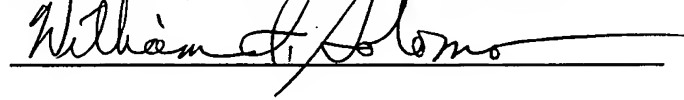
This disclaimer is to be binding with respect to any patent granted on the above-identified application, and is binding upon grantees, their successors, or assignees of any interests.

The undersigned is an attorney of record in this application and is empowered to act on behalf of Hitachi, Ltd. for the execution and submission of Terminal Disclaimers, in accordance with the provisions of 37 CFR 1.321(b) and (c), effective January 4, 1994.

The undersigned hereby declares that all statements made herein of his knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine, or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

A handwritten signature in dark ink, appearing to read "William I. Solomon", is written over a horizontal line.

William I. Solomon  
Registration No. 28,565

1300 North 17<sup>th</sup> Street  
Suite 1800  
Arlington, VA 22209  
Tel: (703) 312-6600  
Fax: (703) 312-6666  
WIS/at